

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
1:17-CV-691

O.V., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>ORDER</b>
	)	
DURHAM PUBLIC SCHOOLS	)	
BOARD OF EDUCATION, et al.,	)	
	)	
Defendants.	)	


Two motions to dismiss the complaint are pending before the Court. Docs. 42, 47. The United States Magistrate Judge filed a Recommendation in accordance with 28 U.S.C. § 636(b) and it was served on the parties. Docs. 58, 59. The plaintiffs timely objected to the Recommendation. Doc. 60. After *de novo* consideration of the objections and full consideration of the record, the Court adopts the opinion of the Magistrate Judge. The arguments raised in the objection do not undermine the Magistrate Judge's analysis or conclusions, with which this Court agrees.

For the reasons stated by the Magistrate Judge, the plaintiffs may proceed on their breach of contract claim and IDEA, Section 504, and ADA claims arising on or after November 26, 2014, against the Durham Public Schools Board of Education. All other claims against the Durham Board are dismissed. All claims against all other defendants are dismissed.

It is hereby **ORDERED** that the State Motion to Dismiss, Doc. 42, is **GRANTED** and that the Local Motion to Dismiss, Doc. 47, is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Local Motion is **DENIED** as to their breach of contract claim and their IDEA, Section 504, and ADA claims arising on or after November 26, 2014, against the Durham Public Schools Board of Education;
2. The plaintiffs' Section 1983 and NCPDPA claims against Kristin Bell, Lessley Mader, Ashley Bunn, Sheri Allen, Julie Haase, Bert L'Homme, and the Durham Public Schools Board of Education are **DISMISSED** for failure to state a claim;
3. The plaintiffs' IDEA, Section 504, ADA, and NCSES claims arising before November 26, 2014, are **DISMISSED** for failure to exhaust administrative remedies (and, as to such IDEA and NCSES claims, pursuant to the Settlement Agreement's release); and
4. The plaintiffs' remaining NCSES claims are **DISMISSED** as abandoned.

This the 10th day of July, 2018.

  
UNITED STATES DISTRICT JUDGE